C.F/100-20

(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

W.P. No.139 OF 2001

PETITIONERS

Director, Raipur Diocess Educational Society, Christ Brothers, Byron Bazar, Raipur through Father Mathew Tannical, R/o Byron Bazar, Raipur, Chhattisgarh.

VERSUS

RESPONDENTS

1. U.K.Masih, S/o Sri Kartik Masih, R/o Christian College, Jarhabhata, Bilaspur

2. Controlling Authority under Payment of Gratuity Act, Bilaspur, Chhattisgarh

3. Director of Public Instructions, Public Instructions Directorate, Bilaspur, Chhattisgarh

4. THE TEHSILDAR BILASPUR Dist. BILASPUR (C.G.)

As per court order dated 20.3.03 amended by me

Addl. 20/3/03

P. R. No. 12-59/01

Presented by Shri ... Regd. Post

Dated ... 9.7.2001 ...

Attested

Sd/-

AR(J)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

(५)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. NO.1329/2001 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	08/07/2003 Shri P. Diwakar, counsel for the petitioner. Shri Vinod Deshmukh, counsel for the respondent. This writ petition is filed against the order dated 08/05/2001 passed by the Controlling Authority under Payment of Gratuity Act, 1972 (for short, "the Act"). Apart from assailing the order on merits, the vires of second proviso to sub-section (7) of Section 7 of the said Act is also challenged.. When the matter is called, it is fairly stated by counsel for the petitioner that in view of the settled position, he would not challenge the ground as vires, as it stands concluded. However, he submits that since an alternative remedy was not available as at that point of time, the Appellate Authority was not notified, he had approached this Court by way of this writ petition. However, as in the meantime, the Appellate Authority has been notified and in view of the objection raised, he would seek permission to withdraw this petition in order to enable the petitioner to approach the Appellate Authority. As prayed, permission is	

[पीछे देखिये

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

granted. Accordingly, this writ petition stands disposed of as withdrawn.

It is, however, submitted by the learned counsel for the petitioner that as the limitation for appeal is 60 days, it has expired and, therefore, some direction may be issued so that the petitioner is not prejudiced.

Having considered then matter, it is directed that in case suitable application for condonation of delay is made, the same may be considered by the Authority sympathetically taking into consideration the fact that at that relevant time the Appellate Authority had not been notified for which the petitioner had approached this Court by way of this writ petition.

In view of the above, M.W.P.No.333/2003, I.A.Nos.5177/2002 and 3546/2003 stand disposed of.

Sd/-
P.C.Naik
Judge

Sd/-
Fakhruddin
Judge

[पीछे देखिये